

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SETH WILLIAMS, JR.,) Case No. EDCV 10-0370-GHK(RC)
))
) ORDER ADOPTING REPORT AND
) RECOMMENDATION OF UNITED STATES
vs.) MAGISTRATE JUDGE AND ORDER DENYING
) CERTIFICATE OF APPEALABILITY
J. SCHOMIG, WARDEN,)
)
) Respondent.)

Pursuant to 28 U.S.C. Section 636, the Court has reviewed the
Petition and other papers along with the attached Report and
Recommendation of United States Magistrate Judge Rosalyn M. Chapman,
and has made a de novo determination.

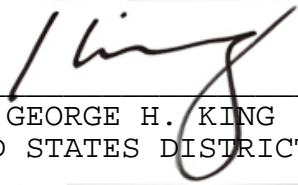
IT IS ORDERED that (1) the Report and Recommendation is approved
and adopted; (2) the Report and Recommendation is adopted as the
findings of fact and conclusions of law herein; and (3) Judgment shall
be entered dismissing the petition and the action as untimely.

This Court finds an appeal would not be taken in good faith, and
that petitioner has not made a substantial showing that he has been

1 denied a constitutional right and that this Court was not correct in
2 its statute of limitations ruling, for the reasons set forth in the
3 Report and Recommendation, and accordingly, a certificate of
4 appealability should not issue under 28 U.S.C. § 2253(c)(2) and Fed.
5 R. App. P. 22(b). Slack v. McDaniel, 529 U.S. 473, 483, 120 S. Ct.
6 1595, 1604, 146 L. Ed. 2d 542 (2000); Manning v. Foster, 224 F.3d
7 1129, 1132 (9th Cir. 2000).

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9 IT IS FURTHER ORDERED that the Clerk shall serve copies of this
10 Order, the Magistrate Judge's Report and Recommendation and Judgment
11 by the United States mail on petitioner.

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13 DATED: 8/20/10

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16 _____
17 GEORGE H. KING
18 UNITED STATES DISTRICT JUDGE
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